IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1661 OF 2005

Vikas Harishchandra Dandekar ...Petitioner

Versus

Smt. Madhuri Ramchandra Laghate ...Respondent

.....

Mr. P.K. Hushing, counsel for Petitioner

.....

CORAM: B. H. MARLAPALLE, J.

DATED: 25TH APRIL, 2005

P. C.:-

1. Claim petition No. 714 of 1993 came to be decided by the Motor Accident Claims Tribunal at Mumbai vide judgment and order dated 23.12.1999. The present petitioner was impleaded as respondent/opponent No.1 in the said claim petition and he filed Misc. application No. 44 of 2000 in the said claim petition stating that the award dated 23.12.1999 was passed ex-parte. In short the Misc. application No. 44 of 2000 was filed for restoration of the main claim petition. After hearing the respective parties, the learned Member of the M.A.C.T. at Mumbai has been pleased to reject the restoration application vide his order dated 3.12.2004. Hence, this petition under Article 227 of the Constitution.

2. The award dated 23.12.1999 can be challenged by filing an appeal with reference to the date of rejection of the Misc. application No. 44 of 2000 or the order dated 3.12.2004 rejecting the Misc. application No. 44 of 2000 for restoration, can be challenged by filing a Civil Revision Application. When these statutory remedies are available to the petitioner, the writ petition under Article 227 of the Constitution need not be entertained.

3. The petition is, therefore, disposed of with liberty to file either Civil Revision Application or an Appeal as the case may be.

*****